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| 09/768,956      | 01/24/2001  | Gabor Fodor          | 040020-239          | 4275             |

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EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 05/21/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/768,956

Applicant(s)

FODOR ET AL.

Examiner

Philip C Lee

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 10-14 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

#### *Claim Rejections – 35 USC 112*

3. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. Claim language in the following claims is not clearly understood:
    - i. As per claim 10, lines 4-5, it is uncertain if “the user’s terminal equipment” refers to a local user’s terminal equipment in lines 2-3; Lines 6-8, it is unclear if the step of determining depends on the parameters contained in the

resource reservation protocol message [i.e. the determination refers to the steps of determining?].

- ii. As per claim 12, lines 4-5, it is not clearly understood if “the user’s terminal equipment” refers to the local user’s terminal equipment in claim 10, lines 2-3.

*Claim Rejections – 35 USC 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 10-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sen et al, U.S. Patent 6,708,034 (hereinafter Sen).

7. As per claim 10, Sen taught the invention as claimed for providing support for internet protocol signaling, wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network (col. 2, lines 48-52), the method comprising the steps of:

terminating a resource reservation protocol message sent from the user's terminal equipment (col. 5, lines 1-11);

determining whether to create a new packet data protocol context or to modify an existing packet data protocol context, the determination based on parameters contained in the resource reservation protocol message (col. 7, lines 6-7; col. 5, lines 31-66); and  
sending a request to create or modify the packet data protocol context through the radio network (col. 5, lines 67-col. 6, lines 5).

8. As per claim 11, Sen taught the invention as claimed in claim 10 above. Sen further taught comprising the steps of:

receiving a response to the request from the radio network (col. 6, lines 6-7);  
generating a resource reservation protocol message based on the contents of the response (col. 6, lines 8-27); and  
sending the resource reservation protocol message to the local user's terminal equipment (col. 6, lines 8-27).

9. As per claim 12, Sen taught the invention as claimed in claim 10 above. Sen further taught comprising the steps of:

receiving a trigger that initiates the generation of a resource reservation protocol path message (col. 4, lines 29-34); and

sending the resource reservation protocol path message to the user's terminal equipment (col. 4, lines 50-52).

10. As per claim 14, Sen taught the invention as claimed comprising:

a first interface to a local user's terminal equipment (col. 3, lines 10-15, 29-31);

a second interface to a radio network (col. 2, lines 2-4; col. 3, lines 16-21, 31-33);

a terminating unit for terminating resource reservation protocol (col. 5, lines 1-11); and

a translation unit for transforming resource reservation protocol message into a packet data protocol message and vice versa (col. 4, lines 22-27; col. 7, lines 6-7).

*Claim Rejections – 35 USC 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sen in view of Puuskari, U.S. Patent 6,728,208 (hereinafter Puuskari).

13. As per claim 13, Sen taught the invention as claimed for a gateway general packet radio service support node comprising the steps of:

transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa (col. 5, lines 31-49).

14. Sen did not teach including Internet protocol quality of service information in packet data protocol context. Puuskari taught including internet protocol quality of service information in packet data protocol context (col. 5, lines 17-23; col. 10, lines 16-24).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Sen and Puuskari because Puuskari's method of including internet protocol quality of service information in packet data protocol context would increase the reliability of Sen's system by guaranteeing that packets not conforming to the packet data protocol level quality of service contract are discarded first if needed (col. 5, lines 32-34).

**CONCLUSION**

16. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.



**JOHN FOLLANSBEE  
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